

DETAILED ACTION

This office action is in response to the applicant's amendments filed on August 10, 2009. Claims 1, 3-4, and 8-11 are pending. Claims 2 and 5-7 have been cancelled. Claims 1 and 10 are currently amended. Claim 11 is newly added.

The Information Disclosure Statement filed on August 10, 2009 is in proper form and was considered by the examiner.

The objection to claim 3 for informalities is withdrawn in view of applicant's submitted evidence providing the definition of the word "decocting".

The rejection to claim 1 for the limitation "natural material" under 35 U.S.C. 112, second paragraph, is withdrawn in view of the examiner's amendment presented below and the applicant's amendment to the claim.

The rejections to claims 2 and 5-6 under 35 U.S.C. 112, second paragraph are withdrawn in view of applicant's cancellation of the claims.

The rejection to claim 5 under 35 U.S.C. 103(a) as being unpatentable over Miyamatsu et al. (US 5,221,289) is withdrawn in view of applicant's cancellation of the claim.

The rejection to claim 6 under 35 U.S.C. 103(a) as being unpatentable over Kaneko (US 2002/0166183 A1) is withdrawn in view of applicant's cancellation of the claim.

The objection to claims 3-4 and 8-10 as being dependent upon a rejected base claim is withdrawn in view of the amendments to claim 1.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gene Stockman on October 28, 2009.

The application has been amended as follows:

Claim 1, lines 2-3, add the phrase (with commas as indicated) --, hereinafter referred to as natural material, -- after the currently written phrase "cell molecules of animals and plants" such that the claim reads "...cell molecules of animals and plants,
hereinafter referred to as natural material, and to activate...";

Claim 1, line 7, change "a" back to –the-- such that the claim reads "...from said core to the natural material in said...";

Claim 11, lines 2-3, add the phrase (with commas as indicated) --, hereinafter referred to as natural material, -- after the currently written phrase "cell molecules of animals and plants" such that the claim reads "...cell molecules of animals and plants,
hereinafter referred to as natural material, and to activate...";

Claim 11, line 7, change "a" to –the-- such that the claim reads "...from said core to the natural material in said...";

Allowable Subject Matter

Claims 1, 3-4, and 8-11 are allowed.

The following is an examiner's statement of reasons for allowance: The present claims are allowable over the closest references:

Miyamatsu et al. (US 5,221,289), Kaneko (US 2002/0166183 A1), and Agarwal (EP 0754734 A1) do not teach or disclose all of the details of the textile dyeing method as claimed in instant claim 1.

Miyamatsu et al. teaches in the background section Japanese dyeing processes for textile materials by using the warmth retaining feature of far-infrared light emission from quartz porphyry (see col. 2, lines 14-20 and 56-65).

Kaneko teaches a fiber dyed with the fine powder of citrus fruits obtained by pulverizing the dried peels, then dyed in a dye bath, where the dye powder has passed a sieve of 140 to 50 mesh (see abstract). This powdered dyestuff results in dyed fiber products, such as novel articles of clothing (see abstract).

Agarwal teaches a process for producing dyestuffs comprising extracting a dye from plant material by soaking, cleaning, and pulverizing the plant in an aqueous solution then heating it, filtering the solution, and concentrating the filtrate to obtain the dye (see page 1, lines 37-54).

Miyamatsu et al., Kaneko, and Agarwal do not teach or suggest the use of far infrared rays in a drying machine to dry and activate the natural material, nor do they teach electrically charging the textile so that the dye attaches to the textile by ion absorption or the instantly claimed method for producing the natural dye.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATIE HAMMER whose telephone number is (571)270-7342. The examiner can normally be reached on Monday to Friday, 10:00am EST to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

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/Harold Y Pyon/
Supervisory Patent Examiner, Art
Unit 1796

/KLH/